

ATTACHMENT A

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2024 CV 00655
CORE CIVIC INC
5501 VIRGINIA WAY
BRENTWOOD TN 37027

ASHTABULA COUNTY COMMON PLEAS COURT
25 WEST JEFFERSON ST.
JEFFERSON, OHIO 44047

RECEIVED
SEP 16 2024
BY: Legal

CIVIL SUMMONS

CASE NO: 2024 CV 00655

PLAINTIFF(S):

DERRICK S MAXEY INMATE # 802 377 LAKE ERIE CORRECTIONAL 501 THOMPSON RD CONNEAUT, OH 44030

VS

DEFENDANT:

CORE CIVIC INC 5501 VIRGINIA WAY BRENTWOOD, TN 37027

NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY:

PRO SE ,

DEFENDANT TAKE NOTICE

YOU HAVE BEEN NAMED AS A DEFENDANT IN A COMPLAINT FILED IN THE ASHTABULA COUNTY COMMON PLEAS COURT BY THE PLAINTIFF NAMED ABOVE. COPY OF COMPLAINT IS ATTACHED HERETO.

YOU ARE HEREBY NOTIFIED, SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY, OR UPON THE PLAINTIFF IF HE HAS NO ATTORNEY OF RECORD, A COPY OF AN ANSWER TO THE COMPLAINT WITHIN 28 DAYS AFTER SERVICE OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE.

YOUR ANSWER MUST BE FILED WITH THE COURT WITHIN 3 DAYS AFTER THE SERVICE OF A COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY, OR UPON THE PLAINTIFF IF HE HAS NO ATTORNEY OF RECORD.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

DATE: September 9, 2024

APRIL DANIELS, CLERK

BY


DEPUTY CLERK

COPY

IN THE COURT OF COMMON PLEAS

ASHTABULA, COUNTY, OHIO

2024 CV 0655

Derrick S Maxey #802 377
Home address: 10600 st clair ave
apt 207 cleveland ohio 44108

Case No. Judge David A. Schroeder

current address:
lake erie correctional institution
(501 Thompson Rd., Conneaut, Ohio 44030)

Plaintiffs,

vs.

Judge

Core Civic inc.

5501 virginia way brentwood tn 37027

Failure of duty of care
Personal injury
punitive damages
pain and suffering
Relief demanded

COMPLAINT FOR DAMAGES

Failure of duty of care
Personal injury
Punitive damages
Pain and Suffering
Relief demanded

Defendants.

Total \$250000.00

Statement of claims

- 1) on or around 08-26-23, plaintiff who is currently an inmate in the lake erie correctional institution, was experiencing a power outage within the entire prison which resulted in very limited lighting throughout the facility.
- 2) During the 2nd day of the power outage the emergency backup system all of a sudden failed which eliminated all lighting.
- 3) alarmed at the circumstances, inmates began to become anxious and tensions between inmates and staff began to grow rapidly inside of the H-CD housing unit.
- 4) the unit manager named Warsing began the routine of doing rounds when back and forth arguments started up between Warsing and certain inmates as he was doing so.
- 5) during one of the arguments Warsing became annoyed then sprayed mace into the air of the dorm causing discomfort and

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difficulty breathing all throughout the dorm with people complaining of skinburning.

6) about half hour later, as Warsing did another round of reciprocal verbal exchange with particular inmates, Warsing bragged that he would "spray some more" as a comeback to an inmate's insult.

7) as inmates disregarded Warsing's threat, plaintiff heard Warsing yell "that's it ..y'all then done it now" then exit the housing unit then close the protective outer gate to the entrance then stick the nozzle of the mace can through the opening in the gate then empty out a can of mace across the dorm as retaliation.

8) plaintiff's bunk area sits directly in front of the security crash gate, that Warsing sprayed the mace through hitting plaintiff dead on his body, clothes and belongings.

9) plaintiff suffered complete loss of vision and developed chemical burns as well as nasal and breathing complications immediately as that happened.

10) plaintiff alerts staff that he could not breathe and was taken outside of the unit to wait for medical treatment which took several hours.

11) plaintiff has since suffered loss of sight as documented by medical personal services.

12) Core Civic did violate its own standards and customs concerning inmate safety by having senior employees that use deliberate indifference for safety of its subjects to be violated at their own personal convenience without regard for others.

13) the officer was secure from any harm when he closed the protective gate, eliminating the need to empty a can of mace into a congested area. then standing on the idea that it was procedure while bragging about it to other staff.

14) plaintiff was assaulted by the particular staff member by spraying him with mace after plaintiff was

15) defendants are liable for personal injury and failure of duty of care along with ordered action to prevent in the future. in the form of monetary compensation.

16) Federal rules of civil procedure 8(a)(2) smith v. bush 2024
20. app lexis 1358: Specific facts are not necessary and plain-
tiffs statement only need give the defendant fair notice of
what the ... claim is and the grounds upon which it rests.

17) Neitzke v. williams 490 US 319: the informa pauperis
dismissal of the action for failure to state a cause of action
did not automatically result in a determination that the action
was frivolous.

18) Swierkiewicz v. sorema N.A. 534 US 506: Heightened pleadingr
requirements did not apply to an employment discrimination compla-
-int. the complaint did not have to contain specific facts establ-
-ishing a prima facie case information and dismissal of ...
complaint was reversed.


19) Conley v. Gibson 355 U.S. 41, 47,78,5.ct.99,L. 6d.2d.80,19
Pleadings filed by pro se litigants are held to less stringent
standards than those applied to formal pleadings drafted by
lawyers.

20) internatioal unions,united auto...etc. v. bear archery 617
f.2d-157: municipalities were among the persons who could be
sued directly for deprivation of unions constitutional protected
free speech rights based on governmental custom even if was not
official policy.

21)county could be sued because the statute provided a cause
of action against local governing bodies where offial policy
od informal government cutdom resulted in a alleged constitutiona
deprivation.



22) plaintiff did file a grievance through viapath tablet
explaining the incident in full. how ever iplaintiff noticed
that all greivances that dont involve the warden directly is
posted as a kite. according to the facility.

pro se Derrick Maxey
301-78-8511



Latonya Jackson
NOTARY PUBLIC
STATE OF OHIO
My Commission Expires
2/7/2027

My Commission Expires
2/7/2027
NOTARY PUBLIC
STATE OF OHIO
Latonya Jackson



PROOF OF SERVICE

I certified that an true copy of-the-----Legal action----- was
served upon the April Daniels court of common pleas, -----
-----, -----, at address 25 W. Jefferson -----,
st. Jefferson -----, Ohio ----- 44047 ----- via U.S. Mail
this 23rd ----- day of August -----, 2024 -----.

Respectfully Submitted, !

